

REMARKS

New claims 16-19 are added by this amendment. Support for these claims are found at least at Fig. 1 and on pages 3 and 10-11 of the present application. Claims 1-19 are pending in this application after entry of this amendment.

The Examiner has noted that Claim 14 contains allowable subject matter.

Rejection of Claims 1-12 and 15

Claims 1-7, 9, 11, 12 and 15 were rejected under 35 USC 103(a) as being obvious over Yonezawa (US 4,990,117) in view of Fosbenner et al. (US 5,949,050). Claims 8 and 10 were rejected under 35 USC 103(a) as being obvious over a combination of Yonezawa and Fosbenner et al. further in view Eppley (US 6,099,379). The Applicant respectfully traverses the rejection of these claims for the reasons noted below.

Yonezawa discloses a magnetically guided toy vehicle (A) with a substrate (B) having a guide path (B1) shaped in open segments. According to Yonezawa the guide path "is made from a plate of a non-ferromagnetic material having embedded therein a ferromagnetic material, in the form of wire or tape." (col. 1, lines 19-21). Yonezawa discloses that the purpose of the guide path is to attract a magnet in the steering mechanism of a motor-driven toy vehicle. (col. 1, line 29-31). The magnet is suspended above the surface of the substrate to provide for a dynamic attraction of the magnet as it travels the surface of the substrate. Yonezawa fails to disclose embedding a ferromagnetic ink material by printing the ferromagnetic material in an ink vehicle on an inner layer of the substrate.

The Examiner relies on Fosbenner et al. for disclosing printing "ferromagnetic ink" over a substrate using silk screening techniques as an alternative to placing magnetic sheet material in a substrate. Fosbenner discloses that the inks preferably contain naturally magnetic particles of strontium ferrite. Fosbenner teaches that an external magnetic field of at least about 500 Gauss be applied to the ink while it is wet to create a magnetic field strength of at least about 100 Gauss and preferably at least 200 Gauss, at the surface of the cards. The cards (20) of Fosbenner are used with a magnetically actuated, fluid display device (30), such as disclosed in US Patent Nos. 4,143,472 and 5,151,032, which applicants

believe disclose the magnetic drawing slate of the type sold under the trademark MagnaDoodle. Fosbenner teaches that the magnetic cards (20) are placed on the magnetic drawing slate (30) and when lifted, leave an image on the slate that corresponds to the locations of the magnetic areas on the cards.

Applicants assert that Claim 1 is not obvious because the natural combination of Fosbenner and Yonezawa by one of ordinary skill in the art does not result in the applicants' claimed invention.

Fosbenner teaches embedding in a substrate either patterns of permanently magnetized material, or magnetizable material that is then permanently magnetized in patterns. One alternative means described by Fosbenner is printing an ink containing naturally magnetic particles of strontium ferrite on the substrate and then permanently magnetizing the wet ink. This permanently magnetized material on the magnetic card is used to attract the iron powder contained in the magnetic drawing slate. See US Patent Nos. 4,143,472 and 5,151,032. The magnetic cards are used in a static fashion – the cards are maintained in one position on the drawing slate for a sufficient period of time to allow the iron particles in the drawing slate to be attracted to the magnetic regions of the cards. Fosbenner makes merely static use of the permanently magnetized images on its cards and does not use the stenciled magnetized patterns as a guide path for any moving toy vehicle.

In contrast to Fosbenner, applicants do not teach permanently magnetizing the ink, and do not use the guide path as a permanently magnetized path to attract another magnetically attractive particle. Applicants define in the specification at page 10 that “ferromagnetic ink” used in the guide path contains iron or other material capable of attracting a magnet. Applicants teach the opposite of Fosbenner, that is, to place the magnetically attractive non-magnetized material in the guide path and to place the magnet on the moving toy. The Examiner must consider all of Fosbenner's teachings, which provides no alternative to an ink containing strontium ferrite that is permanently magnetized. Fosbenner teaches printing as an alternative to embedding permanently magnetized materials in a substrate. Thus, in combining Yonezawa and Fosbenner, one of ordinary skill in the art would follow all of Fosbenner's teachings and apply a guide path containing

strontium ferrite on the substrate and then permanently magnetize it. Applicants submit that this combined with Yonezawa would not then work for the intended purpose of claim 1, which is to allow a toy vehicle with a steering magnet to follow the guide path. Polar repulsion results when magnets of a like polar field approach. A steering magnet in a toy vehicle will be repulsed away from the guide path when the toy approaches a like-polar area of the magnetized guide path. The cited art contains no suggestions to modify Fosbenner to obtain the present invention, and the Examiner is impermissibly relying on applicants own teachings to modify the prior art. Therefore, the inventions of independent claims 1, 7 and 9, and their dependent claims, are not obvious over the combination of Yonezawa and Fosbenner.

At best, applicants submit that Fosbenner merely invites one of ordinary skill in the art to experiment with unspecified alternative materials and unspecified conditions. As Fosbenner deals only with using the magnetic cards to attract iron in a non-moving drawing slate, it provides no teaching or suggestion as to how to modify its ink to be able to attract a steerable toy with a guiding magnet following a "ferromagnetic guide path." Indeed, Fosbenner falls short in its teachings as to the details of how to print a guide path, and what materials to use in the ink, to obtain a guide path that would work with a steering magnet. Yonezawa's disclosure also is limited in this regard and provides no suggestion to modify Fosbenner. Therefore, since obvious to try or experiment falls short of a prima facie case of obviousness, applicants request the rejection be withdrawn.

New dependent claims 16-18 have been added that recite that the ferromagnetic ink comprises up to about 60 weight percent iron powder, between about 50 and about 60 weight percent iron powder, or that the iron powder comprises electrolytic iron. Fosbenner provides no teachings or suggestions that these materials in these amounts may be used in an ink vehicle as used by the applicants.

Rejection of Claim 13

Claim 13 was rejected under 35 USC 102(b) as being anticipated by UK Publication No. GB 876054 (hereinafter UK '054). Applicants traverse this rejection.

The steering wheel assembly of UK '054 discloses two-wheels (22), **each** of which is offset to the alignment of the pivot axis (27) – one wheel is to the left and the other wheel is to the right. Claim 13 requires one wheel in non-offset vertical alignment. As shown in Fig 1 of the present application, the center of the wheel is aligned along the pivot axis and is not aligned offset of that axis. Comparing these two Figures, it is clear that UK '054 does not disclose or suggest a steering wheel assembly with one wheel in a non-offset vertical alignment with the wheel assembly pivot axis, because both wheels are offset from the pivot axis. Therefore, Claim 13 is not anticipated by UK '054, and should be allowed.

Moreover, claim 13 is not obvious over UK '054. There is no suggestion to modify UK '054 to obtain the invention as recited in Claim 13. This off-set two-wheel steering configuration of UK '054 is also used and shown more clearly as being off-set in Yonezawa et al., which is also for the same use of following a magnetically attractive guide path.

New claim 19 has been added that recites “the center of the wheel is aligned along the pivot axis.” This claim also distinguishes the offset two-wheel assembly of UK '054 for the reasons noted above.

CONCLUSION

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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